

LEGISLATIVE COUNCIL

Wednesday, October 2, 1974

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS**EMERGENCY POWERS LEGISLATION**

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Chief Secretary, as Leader of the Government in the Council.

Leave granted.

The Hon. R. C. DeGARIS: I refer to a report in the *Sunday Mail* of September 29 headed "Protest will close Perth", part of which states:

A piece of legislation which has been described as "a union-bashing Bill, a king-hit to human rights and a legislative overkill of nuclear proportions", will make Perth a ghost city next Tuesday.

The report later continues:

The Trades and Labor Council has called the Bill "outright industrial sabotage", and the Opposition leader, Mr. Tonkin, has pledged to oppose it "as long as I've breath in my body".

Following that, I was interested to see on the Australian Broadcasting Commission television news last evening a report of a protest which took place in Perth and which was spearheaded by Mr. Hawke. According to the A.B.C. commentator, the main part of the Western Australian legislation that Mr. Hawke attacked was part of clause 4 of the Bill, which provides:

Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act, the provisions of this part shall prevail.

In his statements regarding this clause, Mr. Hawke referred to Hitler, Mussolini and other dictators who used similar types of legislation, and made an impassioned plea, as reported on the A.B.C. news service, in the name of liberty. Clause 5(2) of this State's Emergency Powers Bill, which came before the Council and was dealt with about six weeks ago, provides:

Regulations made under this section . . . (c) shall have effect notwithstanding anything inconsistent therewith contained in any enactment, other than this Act (whether that enactment was enacted before or after the commencement of this Act) or any instrument having effect by virtue of any such enactment.

Honourable members will notice that the two clauses are almost identical. Will the Chief Secretary, as Leader of the Government in the Council, tell the Council whether Mr. Hawke, as President of the Australian Council of Trade Unions and of the Australian Labor Party, made any approaches to the South Australian Government expressing views similar to those publicly expressed in Perth and as reported by the media? If he did, what action did the Government take to prevent Mr. Hawke from performing in a similar manner in South Australia?

The Hon. A. F. KNEEBONE: I cannot personally answer the honourable member's question, because when the Emergency Powers Bill was being prepared and subsequently debated in this Council I was overseas. However, I will inquire into the matters raised by the honourable member and bring down a reply as soon as possible.

CHAMBER CONDITIONS

The Hon. V. G. SPRINGETT: Mr. President, may I draw your attention and that of the Council to the state of the atmosphere in the Chamber. Several weeks ago, we had a similar experience, whereby the Chamber was not

used for a time and, although I am not suggesting that the atmosphere at present is noxious or dangerous, it is not a conducive one for good working. I ask what is the situation when workmen at present in the building have accidents during their work, giving rise to this sort of unpleasant atmosphere for working conditions.

The PRESIDENT: I agree with the honourable member that the atmosphere in the Chamber at present is most objectionable. Certainly, it is not conducive to good working, and it is not beneficial to anyone prone to headaches or other complaints that occur under these conditions. I cannot make any judgment on what action may be taken to avoid these accidents involving the workmen but, concerning the sitting of the Council, the matter is entirely in the Council's hands. As the Minister of Health is present in the Chamber, I would take notice of any remarks he made concerning these conditions. I think the matter could be taken up with the Minister concerned with a view to considering whether the Council should adjourn when these conditions prevail.

PETROL

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: The Chief Secretary can correct me if this question is misdirected, but it relates to the supply of super-grade petrol, about which I understand a question has been asked in another place. I have been informed that petrol resellers' supplies are being severely restricted by the suppliers and that, according to a country representative, the problem is that refineries in Australia are producing only about 60 per cent of Australia's requirements of super-grade petrol, there being no imports at present, as the cost of importing super-grade petrol is somewhat higher than the actual price being obtained through Australian resellers and, therefore, there is just no move being made to import super-grade petrol. If that is so, the situation will worsen unless there is a price rise. In fact, one country service station was without super-grade petrol for the last week of the school holidays. There is every indication, according to the same informant, that next year there will be an extremely severe shortage of super-grade petrol, and it is not related to the strike that occurred recently. Is the Government aware of this situation, and what moves are being made to correct the potential shortage that will exist next year?

The Hon. A. F. KNEEBONE: I cannot answer the honourable member's questions entirely. The last report I had on this matter was that the shortage was being caused (this was stated also by the petrol resellers' spokesman) by the fact that the refinery had not been able to catch up on production following the strike. However, as the honourable member has raised some other points, I will direct them to the appropriate Minister and bring down a reply.

WHEAT QUOTAS

The Hon. J. C. BURDETT: Will the Minister of Agriculture table the letter that he wrote earlier this year to Mr. Max Saint, Chairman of the Australian Wheatgrowers Federation and Treasurer of United Farmers and Graziers of S.A. Incorporated concerning the transferability of wheat quotas in respect of land acquired by the Government where the owner intends to buy land elsewhere?

The Hon. T. M. CASEY: The answer is "No".

The Hon. J. C. BURDETT: Will the Minister give the Council the reasons why he will not table the letter?

The Hon. T. M. CASEY: As Minister, I wrote the letter to Mr. Max Saint, of the United Farmers and Graziers, and I do not see that it has anything to do with making it public. It was purely a personal letter from me to Mr. Saint, and it is high time that some honourable members realised that everything a Minister writes to people does not have to be tabled. I know what the honourable member is driving at.

The Hon. J. C. Burdett: What?

The Hon. T. M. CASEY: I have even undertaken to see that the matter he is raising is adequately covered in legislation that I will introduce later this session, if the Parliamentary Counsel can do it. The honourable member was quite happy when I mentioned this matter to him and, if he wants to pursue it further, I shall be quite happy to do it.

The Hon. J. C. BURDETT: I wish to direct two questions to the Minister of Agriculture. First, was the letter which has been referred to written on his official letterhead as Minister of Agriculture; secondly, do I rightly understand his answer to the previous question as giving an undertaking to introduce legislation in regard to the transferability of wheat quotas in respect of land acquired by the Government where the owner has bought land elsewhere?

The Hon. T. M. CASEY: Every letter that I write from my office, whether personal or non-personal, is on the official letterhead. I think that is the usual prerogative of Ministers and I have always adopted that attitude. That in itself does not mean a great deal. As to the second part of the question, I informed the honourable member of the type of legislation I would be introducing: it would not cover granting a quota to those people who had their land acquired at Monarto, because that has been taken into account in the price paid for the land. We have been through that exercise previously. There are other ways in which people who produce wheat are able to get that wheat into the quota for the season. I told the honourable member that this was the way in which I was tackling the matter, and in the circumstances I think this is fair. I should like to point out that, if latitude is given in the respect he is asking, then the whole purpose of the wheat quota legislation would be defeated and there would be no end to the applications coming in. It may be a good idea if the honourable member were to converse with his colleague (Hon. Mr. Story) who could probably inform him personally of what could happen if I did start to issue quotas of this nature.

The Hon. C. R. Story: Are you sure he has not conversed with me?

The Hon. T. M. CASEY: Perhaps he could have; if the honourable member has given him other than the advice I am giving, I suggest it is the wrong advice. It is most difficult to open up an Act of this nature which would be detrimental to the legitimate wheat quota holders in this State.

The Hon. R. C. DeGARIS: Can the Minister of Agriculture say whether the letter that he admits having written to Mr. Saint referred to wheat quotas for landholders whose land was being acquired by the Government at Monarto?

The Hon. T. M. CASEY: I do not think I am entitled to divulge any information that I gave Mr. Saint, because

it is of a personal nature and it would not be in order for me to discuss the contents of that letter.

The Hon. C. M. Hill: What are you afraid of?

The Hon. T. M. CASEY: Nothing.

The Hon. F. J. POTTER: If the letter was written on the official letterhead paper and signed by him, can the Minister of Agriculture say how the recipient of that letter could distinguish between whether the letter was an official or a private one?

The Hon. T. M. CASEY: I think it depends on the circumstances. I had already been in touch, by telephone, with Mr. Saint, and I just put my feelings down on paper, as I thought was only right and proper. What transpired between Mr. Saint and me was purely personal. As I indicated to the Hon. Mr. Burdett, I wrote on the official letterhead paper. As a matter of fact, I wrote to a good friend of mine in Peterborough this morning on an official letterhead paper a letter of a personal nature.

The Hon. C. M. HILL: Will the Minister of Agriculture say whether there is any contradiction between the statement he has made in the Council that wheat quotas of dispossessed owners of land at Monarto will not be transferred and the view he expressed in the personal letter which has been referred to today?

The Hon. T. M. CASEY: As I said earlier, I am not willing to discuss what I wrote that was of a personal nature.

The Hon. C. M. Hill: You answer the question!

The Hon. T. M. CASEY: I do not have to answer the question if I do not want to.

The Hon. C. M. Hill: If you do not want to, you should sit down.

The PRESIDENT: Order!

The Hon. T. M. CASEY: I am just giving the honourable member a bit of his own medicine.

The Hon. C. M. Hill: No, you are not.

The Hon. T. M. CASEY: The honourable member is implying something that has nothing to do with the matter, and he is trying to play politics in this matter.

The Hon. C. M. Hill: No, I am not. You answer the question.

The PRESIDENT: Order!

The Hon. T. M. CASEY: The relationship between United Farmers and Graziers of South Australia Incorporated and me over the years has been excellent—

The Hon. C. M. Hill: I am not concerned with that.

The Hon. T. M. CASEY: —and I should hate the honourable member to imply anything else.

The Hon. C. M. Hill: I am not concerned with that.

The PRESIDENT: Order!

The Hon. T. M. CASEY: It is a wonder that the honourable member did not go to the person concerned and ask him for the information. Perhaps he did so but without success.

The Hon. C. M. Hill: Do you suggest that I should do so?

The PRESIDENT: Order!

SHACK SITES

The Hon. B. A. CHATTERTON: Because a number of my constituents have approached me about problems relating to shacks, can the Minister of Lands report further on the position as regards shack sites?

The Hon. A. F. KNEEBONE: The Government has recently considered this matter, and I have authorised the following statement to be issued as a press statement:

South Australia's shack owners will be permitted to continue to occupy their shacks, the Lands Minister, Mr. Kneebone, announced today. He said this followed a comprehensive review by four Cabinet Ministers of the information furnished by the Shack Site Review Committee. Mr. Kneebone said shacks on existing sites would be allowed to remain. But no replacement of existing shacks would be permitted, and no major reconstruction of existing shacks would be allowed. Mr. Kneebone said other policy decisions now approved by Cabinet were that:

Transfers would be approved when there were genuine reasons and/or hardship involved. But trafficking in the transfer or sale would be discouraged, such as where sale prices were greater than the value of the improvements. Transfers would not be permitted at prices greater than the value of improvements.

Licences would be cancelled where buildings were unsatisfactory.

Annual licences only would be issued for shacks on the coast reserve.

The committee would continue its investigation into suitable areas for the establishment of holiday home sites. The Minister said he believed this approach would protect the legitimate interests of present shack owners while also permitting the beautification and environmental protection of the South Australian coast and countryside. The four Ministers were Mr. Kneebone, the Deputy Premier (Mr. Corcoran), the Minister of Transport (Mr. Virgo), and the Minister of Environment and Conservation (Mr. Broomhill).

The report was made to Cabinet, which agreed to the report.

The Hon. R. C. DeGARIS: Has the Government received the report of the Shack Site Review Committee, and when was the present policy decision made?

The Hon. A. F. KNEEBONE: I think it has been previously published that the Shack Site Review Committee has submitted interim reports and progress reports, but the final report is not yet ready. The committee was to have continued its review of proposals for phasing out, and it would not have been able to present that report for a considerable time. The information we have received has been very illuminating in relation to the number of shacks on various types of site: for example, freehold land, council areas, and Crown areas. The Cabinet subcommittee considered the interim reports and progress reports, and we thought it was not fair to the people concerned to keep them in suspense for another 12 months before a decision was made. The decision was made on Monday, and I have had representatives of the various shack owners committees to see me this morning. I have told them of the decision.

PETRO-CHEMICAL PLANT

The Hon. A. M. WHYTE: My question is addressed to the Chief Secretary, as Leader of the Government in this Chamber, and it refers to a heading in this morning's *Advertiser* attributed to the Minister of Environment and Conservation. The heading states:

Three years to "proper" Redcliff finding.

The report states:

A proper environmental impact statement for Redcliff would take at least three years.

It further states:

If we had adopted that we would not need to worry about commencing such an impact statement because this project could not live within a time table of that nature. Perhaps we do not need three years to evaluate the effect of pollution on the environment, but surely we should have sufficient time to study the report and to have the reports tabled. Can the Minister say why there is such great haste for this legislation to be introduced into Parliament?

The Hon. A. F. KNEEBONE: The programme has been arranged at the request of the Commonwealth Gov-

ernment. The Commonwealth has asked for this inquiry and has set the programme for it. That is why the matter is being handled in this order.

The Hon. A. M. WHYTE: Further to my previous question to the Chief Secretary, the present proposed inquiry into the Redcliff project was instigated by the Commonwealth Minister for the Environment and Conservation (Dr. Cass). My question to the Minister was that at all times the State Government appeared to be in a great hurry to introduce legislation to go ahead with the project; I did not mean the Commonwealth Government, which has already contributed financially. That Government is just as wary as is the general public of South Australia about this project, but the State Government seems to be in a great hurry to get going with the project. I just wondered why.

The Hon. A. F. KNEEBONE: I do not know how the honourable member knows the feelings of the Commonwealth Government on this project. I should have thought that I would know about them before he would. As regards the State Government's feelings about this project, the situation is that we want to introduce the Redcliff complex as soon as possible. The honourable member and other honourable members in the past have asked us when we are going to proceed with the indenture and when they will see the indenture. Now they are saying they do not want to see the indenture. As a matter of fact, I take it the honourable member is very pleased to see the complex delayed, even though it will be in Northern District, where we believe that, despite the attitude of previous Governments of this State that there should be decentralisation, they never did anything about it. We are endeavouring to do something about decentralisation in this State, but the Opposition is opposing and trying to see that everything they can possibly do to delay any such endeavour in decentralisation comes about.

The Hon. C. M. Hill: That is not right.

The Hon. A. F. KNEEBONE: They have opposed any decentralisation move made. We are looking at decentralisation for the South-East, too, but all we get from the Opposition is opposition to decentralisation. I do not know what the Opposition's attitude is in this matter.

The Hon. A. M. Whyte: We want to see a fair study made.

The PRESIDENT: Order!

The Hon. A. F. KNEEBONE: You are only trying to delay it.

The Hon. G. J. GILFILLAN: I seek leave to make a statement before asking the Chief Secretary a question. Leave granted.

The Hon. G. J. GILFILLAN: Although I do not intend to debate the matter, I know of the Hon. Mr. Whyte's concern regarding the development and protection of the North of this State. I remember the development of the Leigh Creek coalfield, the Port Augusta powerhouse, the railway line to Port Augusta, the development of the blast furnace, steel rolling mills and other major developments in Whyalla, which depended on one of the State's major pipelines. I remember, too, the development in the Port Pirie area. Will not the Minister, on reflection, agree that his rather sweeping statement that nothing was done by the previous Liberal Government regarding decentralisation was an exaggeration?

The Hon. A. F. KNEEBONE: I may have to agree that a degree of decentralisation occurred in the area. However, the present Government is interested in further decentralisation, and for that reason it is trying to get industry to establish in various areas.

MURRAY RIVER FLOODING

The Hon. V. G. SPRINGETT: Has the Minister of Agriculture a reply to my question of September 25, about Murray River floodings?

The Hon. T. M. CASEY: It is not the Government's intention to resume control of the private reclaimed swamps in the lower reaches of the Murray River. My colleague, the Minister of Works, points out that the Department of Lands is making survey teams available if requested to delineate by pegs inside the swamps the expected level that the flood will reach. The final decision on whether any Government reclaimed swamps will be preflooded will be made after the flow in the Murrumbidgee has peaked at Balranald. This is expected to be in about a weeks time.

MEMORIAL HOSPITAL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. M. B. DAWKINS: In view of a recent press report that more funds are to be allocated by the Commonwealth Government for the development of hospitals throughout Australia, I ask the Minister of Health to reconsider the situation applying to Memorial Hospital? Yesterday the Minister indicated that he expected South Australia would receive about \$2 800 000, with possibly a larger amount being made available for building purposes. However, I understand that, unless strong representations are made, such additional sums to be allocated by the Commonwealth Government will be confined to hospital development in Melbourne, Sydney and Brisbane. I hope that the Minister will do his best to obtain a portion of the additional moneys for South Australia. All honourable members know that Memorial Hospital is due for reconstruction and remodernising, and that the hospital recently sought assistance from the Government, which, in its wisdom or otherwise, refused the request. However, funds have been made available in the past to other worthy hospitals such as Calvary and St Andrews. Although I am certainly not criticising those allocations, I ask the Minister whether, in view of the contribution made by the Memorial Hospital over the years in the field of health in this State and as more funds may be soon available, he will give further consideration to the situation obtaining at that hospital, so that it can continue its important role of providing health care in South Australia as a viable hospital.

The Hon. D. H. L. BANFIELD: Yesterday I indicated that South Australia was to receive a fair share of the total amount allocated by the Australian Government for hospital development, being about \$600 000 000 over a five-year period. I also indicated that I thought we would get about \$2 800 000 from the expected \$28 000 000 to be allocated during this financial year, and these figures are in accordance with the pro rata payments normally allocated. South Australia usually gets about one-tenth of the total sum allocated. I am reasonably happy with the allocation based on those figures. However, when the amount is seen as one-tenth, being only about \$60 000 000 for South Australia over the next five years, the situation is a little different and, if the Hon. Mr. Dawkins can show why Memorial Hospital is more deserving than Glenside, Hillcrest, Northfield, the new hospital in the Elizabeth-Salisbury area, a new hospital at Whyalla, additions to Port Augusta Hospital to coincide with the development of the Redcliff project when that gets under way, and additions to the Murray Bridge hospital to coincide with

the development of Monarto, then I will be willing to listen to him. If I have sufficient funds available after having provided for those hospitals I will be willing to look at the situation at Memorial Hospital.

FLEURIEU PENINSULA

The Hon. B. A. CHATTERTON: On the front page of this morning's *Advertiser* a report seems to imply that the Woods and Forest Department is clearing a large area of land on the Fleurieu Peninsula. Will the Minister say whether that report is true?

The Hon. T. M. CASEY: No, the report is not correct. What concerns me in this matter is the fact that information is sometimes conveyed to the media, and then it is reported completely out of context. The situation is that the department is building a firebreak to protect its own small forestry plantation on the peninsula. Such work is undertaken each year at this time in all areas under the department's control. This is essential work, and a bulldozer is used to clear a firebreak.

I was pleased that Dr. Reeves telephoned me yesterday afternoon, after he had made that statement to the press, and apologised for having done so without first checking the facts. He stands in good stead, as far as I am concerned, because he was willing to correct his mistake. The department has not desecrated the area, because that is not its policy, it being a conservation department. Indeed, this policy has been followed for 100 or 1 000 years. Various departments are well known for the efforts they make in relation to conservation.

The Hon. R. C. DeGaris: Did you say 100 or 1 000 years?

The Hon. T. M. CASEY: I said that, as I think this practice was pursued in Sherwood Forest, in England, then. The honourable member comes from the timber country in the South-East and should, therefore, know about this.

The Hon. R. C. DeGaris: I do.

The Hon. T. M. CASEY: I hope that this matter can be resolved in the interests of all concerned.

The Hon. R. C. DeGaris: Will the Minister say whether the department called tenders for the clearing of any native scrub on Fleurieu Peninsula?

The Hon. T. M. CASEY: The department has about 400 ha of land in the area referred to by the Leader; about 120 ha has been selected for planting pines, and the remainder will be left in its natural state. About 40 ha has at present been planted to pines. The area in which the forest was planted was formerly agricultural land that had been cleared many years ago by agriculturists, and it does not have growing on it anything like the area's natural vegetation. Although there was much rubbish on the land, the department was willing to develop this rough country because it was suitable for the growing of pines. Tenders were called to prepare about 21 ha for the planting of forests this year. However, no tenders were received, the due date for tenders having passed some time ago.

The Hon. R. C. DeGaris: Do you still intend to clear it?

The Hon. T. M. CASEY: No. The country is clear; it was more or less to be ripped. The Leader knows that, in forestry areas like this where the countryside is rugged, ripping sometimes satisfies the department's requirements. This area contained not natural growth but much rubbish and, of the 400 ha or 500 ha of land held by the department, about 21 ha was going to be developed this year.

HOSPITALS

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking the Minister of Health a question.

Leave granted.

The Hon. R. C. DeGARIS: The Minister was kind enough recently to provide me with information regarding increased costs in Government hospitals. He said that from April to August this year the costs increased by \$18 000 000. He also said that income received from increased hospital charges (and there has been an extremely rapid increase in such charges in the last few months) would amount to about \$4 000 000. Having read the report on subsidised and community hospitals for the 1973-74 financial year, it is clear that the financial position of these hospitals in 1974-75 will be critical. Will the Minister tell the Council what action the Government intends to take to overcome the obvious financial problems that these hospitals will face in the next 12 months?

The Hon. D. H. L. BANFIELD: The Government realises that subsidised hospitals are finding it much harder to make ends meet now than they did in the past. To date, these hospitals have not requested additional assistance. However, if and when they do approach the Government in this respect, each case will be examined on its merits.

TORRENS RIVER

The Hon. C. M. HILL: I address my question, relating to the beautification of the Torrens River and the pollution of that waterway, to the Minister representing the Minister of Works; possibly my question will also have to be referred to the Minister of Environment and Conservation. First, what actual improvements has the Torrens River Improvement Committee carried out in the past four years to improve aesthetics along the Torrens River and, secondly, what anti-pollution measures has the committee initiated in that period?

The Hon. T. M. CASEY: I will refer the honourable member's questions to the appropriate Ministers and bring down replies.

PUBLIC BUILDINGS DEPARTMENT

The Hon. C. M. HILL: On August 28, I asked the following question:

Will the Minister ascertain whether the Public Buildings Department has changed its policy of building schools by private contract to one of building them by day labour or by a series of small subcontracts supervised by departmental officers? If it has changed its policy, will he ascertain when the policy was changed, and say whether he considers that such a change is of financial benefit to the department and the State generally?

Has the Minister of Agriculture a reply from the Minister of Works?

The Hon. T. M. CASEY: I have been informed by my colleague that policy in the area of school construction by private contractors has not changed in the manner referred to by the honourable member. For many years the department has, with its own construction forces, erected some schools of industrialised or systems building. These projects have been included in construction programmes of timber frame buildings, Samcon, and a lightweight system of accommodation for schools which is currently being developed. It is usual to have parts of these works undertaken by subcontractors. However, as part of its current reorganisation, the department is consolidating all departmental construction operations (other than private total contracting) in a separate division, which will have the capacity when required to undertake construction by day labour, subcontracting, or a combination of both. As part

of the department's reorganisation, computer-based accounting and information systems are being installed to enable comparisons to be made between costs of undertaking projects by the private sector, by departmental resources, or by a combination of both.

SUCCESSION DUTIES

The Hon. C. R. STORY (Midland): I move:

That in the opinion of this Council, the Government should, as a matter of urgency, introduce a Bill to amend the Succession Duties Act, 1929-1971, to provide for—

- i. Increased proportional rebates of duty, so that the value of the rebates relates more accurately to the present value of money.
- ii. The right to claim rural rebate on land held in joint tenancy or tenancy-in-common.
- iii. Clarification of the daughter-housekeeper provisions.
- iv. A new provision to alleviate the financial burden of widows with dependent children.

I have purposely drawn my motion widely to enable a debate to be initiated on what I consider to be one of the most important factors affecting the well-being of families in this State. As I am a firm believer in the family as the keystone of the nation, I think it is appropriate that we should endeavour to bring up to date the Succession Duties Act. I do not believe it is practicable to remove completely succession and estate duties legislation from the Statute Book, much as I should like to do that, because there must be other ways of arranging the nation's finances without waiting until people are dead and then exacting from their estates unrealistic rates of taxation which the estates often cannot meet. As a result of such imposts, tremendous hardships are caused in relation to the estates of citizens who in many cases played a big part in the development of this nation.

I want to approach this matter particularly in connection with increased proportional rebates of duty, so that the value of the rebates relates more accurately to the present value of money. In 1963 the Playford Government made a major amendment to the Succession Duties Act, particularly in regard to the matrimonial home; it is in this connection and in connection with the provisions dealing with joint tenancies that I am most interested. I will not deal with all the matters referred to in the motion; of course, other honourable members will bring forward their own viewpoints. I am particularly interested in the question of the matrimonial home. It is the ambition of most Australians to own their own home; this is a laudable approach. If a person had a stake in his country he is willing to regard himself as a part-owner. When he has that attitude, he will give more and give of his best.

To illustrate this, I point out that one has only to go into a free library and see the amount of damage done to books there, whereas if people pay a small fee in their community library the books are in a very much better condition. The same principle applies in life generally. So, everyone should be given the opportunity to own his own home. If he is dependent on the Government or a landlord, he may be put out of his dwelling or his life pattern may be altered by some step that can easily be taken, or perhaps the Government, by legislation, may alter the whole future of a family if it does not have the deeds of its home or if it is not working toward getting those deeds.

When the Succession Duties Act was last amended by this Government, it was claimed the rebate would give the spouse a much better deal. The rebate was increased from \$9 000 to \$12 000. Actually, however, the rebate of \$12 000 put the recipient, either the husband or the wife,

of that home back to the same stage as in 1963, when the Playford Government amended the Act. I believe the Government ought to have another thorough investigation of the legislation, particularly in view of changing money values. The person who built a house on an ordinary suburban block of land four or five years ago and managed to get finance to buy the land and build the house probably built it for \$16 000 or \$17 000. Today, that same house, in any of the newer parts of the metropolitan area, would be worth between \$28 000 and \$34 000. A house bought five years ago for \$20 000 would probably (on paper, anyway) be worth about \$50 000 today. The owners of such houses are not wealthy by any means. They are ordinary run-of-the-mill people who have been caught up with inflation and also, as a result, with paying higher succession duties as well as Commonwealth duties.

The fact that we are in an inflationary period does not help the widow or the spouse one iota when it comes to settling the estate; it merely aggravates the situation. We all know that, although a person may make every effort to protect his loved ones and take out insurance against death, those policies are eroded in times of inflation. Not so long ago it was possible to borrow money quite freely at 6 per cent. The rate then went to 7 per cent, and I doubt very much whether a widow who needed to borrow money to settle an estate in order to retain the house she and her husband worked hard to get could get any money today at an interest rate of less than 10 per cent. Much of that money would be on a second mortgage basis, for which she would find it necessary to pay 14 per cent or 15 per cent interest, or even higher.

The Hon. C. M. Hill: If she could get it.

The Hon. C. R. STORY: If she could get it, as the Hon. Mr. Hill said. The position would be further aggravated if the husband had served his country and, by way of repatriation, had been given war service finance to buy a house. In that case, the loan would have to be repaid if the husband and wife both died and the estate passed to the children. That loan is the first call on the estate and it must be repaid before any transfer of the property can be effected. Not only does the widow have to find the money for probate and succession duties but, on an estate of \$50 000, which is not large by today's standards, she would have to find many thousands of dollars.

If the children were to be the beneficiaries with the wife and the property had to pass from the wife after the death of the husband, the war service loan would first have to be repaid, the succession duties paid, the Commonwealth duties paid, and all the costs of burial and administration of the estate, the trustees and everyone else paid. In an estate of that magnitude it is quite likely that half the value would be absorbed, making it necessary for the widow to borrow at high interest rates, or for the widow and children to be faced with having to sell the property in order to exist, especially if the widow had to raise a family of three or four children of tender age.

The Government should review the Succession Duties Act, especially in relation to inflated values of land throughout the State. Some of the values recently fixed by State land tax authorities for primary producing land have been unrealistic. The State land tax assessments bear no real relationship to what the primary producer is getting from his land and, if the estate is of a reasonable size, it is almost inevitable, unless the bank can see there is someone old enough to take over, that it will be thought that it is not a good proposition for the bank or anyone else to lend money to enable someone, who is capable of managing the property efficiently, to carry on any primary pursuits.

This, of course, relates back to something I said yesterday. People immediately start to run towards the city. This applies not only the widow but also to the children, as she will bring them with her and, before we know it, we have this snowballing effect. People dissociated from their natural environment never settle in nearly as well as do people who are happy and contented in the areas they have lived in and come to like. After all, the art of government is surely a matter of enrichment, about which we hear so much today, and one way to enrich the people of the community is to give them as much opportunity as possible to be free from interference. The way the Government approaches the subject at present seems to be to interfere with them as much as it possibly can.

Strangely enough, a large section of the community seems to enjoy being organised by the Government. However, I do not believe it is a good thing, and I want to see a review of succession duties as one of the things to be considered when the Government talks about enrichment. This would be a wonderful way for it to display that quality. I mean enrichment not in a monetary sense but in the sense of enabling people to own a house, to sit in comfort with a little bit of outdoor living, and to be able to use the time that modern technology is making more easily available, so that they are not working as constantly as was required in the previous century.

I am happy to bring forward this motion to give honourable members the opportunity to raise the various points that I know are raised with them as they travel throughout their districts, and also to afford the Government an opportunity to reply to the arguments put forward. If the Government wishes to demonstrate the points it is so prone to bring forward at election time about being interested in people, especially the underdog, it will now have an opportunity. Surely, no-one could be more of an underdog under this rather rapacious legislation than is a widow who must go, cap in hand, to borrow money in order to retain the matrimonial home she and her husband and children had worked for, planned for, and fought for, hoping that it would be their security in their old age, but only to find themselves in this difficult position when they are least able to fight back. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 25. Page 1119.)

The Hon. C. R. STORY (Midland): I support this Bill. What is being attempted in it is most desirable. People who are placed in the position in which so many people find themselves today are entitled to some protection in this matter. I do not wish to delay this legislation. Now that we have it before us, every day we delay it means that someone who is wronged will miss out on the benefits flowing from the Bill, if it is passed by this Council. It has already passed through another place.

I merely say that, in agreeing to proceed with the Bill, I sincerely hope that all private members' legislation before Parliament is dealt with as expeditiously as this Bill has been in this Council. I make a special plea to the instigator of this Bill that legislation passing from this Council to another place receive an equally speedy passage through that place. In the circumstances, I am happy to support the Bill.

The Hon. M. B. CAMERON (Southern): Briefly, I thank honourable members for the rapid passage of this

Bill. I support the point raised by the Hon. Mr. Burdett and backed up by the Hon. Mr. Potter that we need some sort of automatic regulation so that this kind of Bill is not required to protect people from the ravages of inflation, which is having a dramatic effect these days. Even in this legislation, it is a pity some amendment could not be made to that effect, and also that a private member's Bill had to be introduced on this matter.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

HOSPITAL AND MEDICAL CENTRE

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Council resolve that the providing of a hospital and medical centre by the Government of this State on the lands comprised in certificates of title register books volume 3267 folio 73, volume 3952 folio 112, volume 3252 folio 35 and volume 4004 folio 310 or any portion or portions of such lands shall be a public purpose within the meaning of the Lands for Public Purposes Acquisition Act, 1914-1972; and that a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence therein.

Honourable members will recall that in the middle of last month I moved a motion to achieve a similar result, to give the Government the opportunity to purchase land for hospitals without the land being designated for a specific purpose. At present, no power is conferred by any Statute to provide public hospitals. The Hospitals Act merely provides, in the main, for administrative procedures in relation to existing institutions that are proclaimed to be public hospitals.

The Hon. Mr. DeGaris thought that this was against the spirit of the Act and said:

I believe that the resolution of both Houses declaring a matter to be a public purpose for compulsory acquisition should be a specific reference for the Government to act on. On reflection, I think the Hon. Mr. DeGaris was quite right in pointing this out. For that reason, I have moved for the discharge of my previous motion to enable me to move this one, which is for a specific purpose. The Government desires that that Hospitals Act shall be amended so that in future we shall be able to purchase property for hospitals and medical centres. I hope a Bill to that effect will be introduced this session.

The Hon. R. C. DeGaris: Will the Minister provide a map of the area in question?

The Hon. D. H. L. BANFIELD: I have not a map of this area, but I will see whether I can get one of the land involved. This motion is moved to enable the Government to acquire the parcels of land described in the motion or any portion or portions of them so that the proposal to establish a hospital and medical centre in the Salisbury-Elizabeth area can be implemented. It is desirable that this motion be carried so that the Government can continue to negotiate for the purchase of this property.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

EVIDENCE (AFFIDAVITS) ACT AMENDMENT BILL

Read a third time and passed.

BOATING BILL

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. T. M. CASEY (Minister of Agriculture): I take this opportunity to explain what transpired during the Select Committee's deliberations on this Bill. The committee comprised the Hon. J. C. Burdett, the Hon. Jessie

Cooper, the Hon. C. W. Creedon, the Hon. A. J. Shard and the Hon. C. R. Story, and me. I assure honourable members that the committee worked most harmoniously. It had much work to do, and many people gave evidence to it on behalf of certain organisations. I believe that the amendments the committee has suggested have been in the interests of the South Australian boating community, and I am sure that the committee's recommendations will meet with honourable members' approval. Although there were a couple of matters on which we were in slight disagreement, I do not believe that this created any great division amongst the committee.

I can say only that if all committees worked as harmoniously as did this committee, it would be much easier to correct mistakes and anomalies in other legislation handled in this way. I thank the committee members for the way in which they considered the evidence given to the committee, and there was much of it, which required much work. Nevertheless, I believe the manner in which the committee tackled this problem made it one of which I was proud to be chairman. I move:

In the definition of "motor boat", to strike out all the words after "device" first occurring and insert "whether or not that engine or device is the principal means of propulsion); and a motor boat is 'under power' when it is being propelled, wholly or to some extent by that engine or device."

The underlying principle behind the amendment is to spell out a little more clearly exactly how the boat is being propelled while under power. I think this is done adequately in this amendment.

Amendment carried; clause as amended passed.

Clause 6 passed.

New clause 6a—"Delegation."

The Hon. T. M. CASEY: I move to insert the following new clause:

6a. (1) The Minister may, by instrument in writing, delegate any of his powers or functions under this Act to the Director.

(2) Any such delegation shall be revocable at will and shall not prevent the Minister from acting personally in any matter.

This overcomes the problem the committee found; it believed that the Minister should be responsible for any decisions made, although at the same time the Director is the person through whom such decisions should be undertaken. For this reason the committee believed it was important that this new clause be included.

New clause inserted.

Clause 7 passed.

Clause 8—"Power to regulate boating and other activity within waters under the control of the Minister."

The Hon. T. M. CASEY: I move:

In subclause (1) to strike out "proclamation" and insert "regulation".

This amendment is suggested on the advice of the Parliamentary Counsel. Regulations are referred to later in the clause, and it is appropriate that this word be used for the purpose of clarity.

Amendment carried.

The Hon. T. M. CASEY: I move:

To strike out subclause (4).

The committee did not believe this clause was necessary.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11—"Application for registration."

The Hon. T. M. CASEY: I move:

In subclause (1) (c) to strike out "appropriate" and insert "prescribed".

The Parliamentary Counsel suggests that this is a better word to use.

Amendment carried.

The Hon. T. M. CASEY: I move:

In subclause (4) to strike out "The" and insert "Subject to subsection (4a) of this section, the"; and to strike out "appropriate" and insert "prescribed".

The amendments take into account a small boat of a length not exceeding 3 metres, and with an engine capable of delivering not more than 5 horsepower.

Amendments carried.

The Hon. T. M. CASEY: I move to insert the following new subclause:

(4a) Where an application is made for the renewal of the registration of a motor boat of which—

(a) the length does not exceed 3 metres; and

(b) the engine is capable of developing no more than 5 horsepower,

no fee shall be payable in respect of the renewal of registration.

The Select Committee examined this matter closely. In many instances, particularly on the Murray River, people use boats with only small outboard motors for, say, fishing or yabbing excursions. These boats are usually transported on the roofs of cars and are owned mostly by pensioners who live near the river. It was considered appropriate that these people should pay only one registration fee rather than having to renew the registration of such vessels annually. The amendment will have this effect.

Amendment carried.

The Hon. T. M. CASEY moved:

To strike out subclause (8).

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14—"Offences relating to registration."

The Hon. T. M. CASEY: I move:

In subclause (1), after "operated", to insert "under power".

The amendment will spell out more clearly that a boat is in motion under power if its motor is running.

Amendment carried.

The Hon. T. M. CASEY moved:

In subclauses (2) and (3) to strike out "the" first occurring and insert "a".

Amendment carried; clause as amended passed.

Clauses 15 to 19 passed.

Clause 20—"Cancellation or suspension of licence."

The Hon. T. M. CASEY: I move:

To strike out "(cancel or suspend the licence)" and insert "(a) cancel or suspend the licence; and (b) disqualify the convicted person from holding or obtaining a licence for a period specified in the order, or until further order".

I have moved this amendment because the Select Committee did not consider that it was spelt out sufficiently clearly that a person disqualified from holding or obtaining a licence should not be able, so to speak, to go around the corner and obtain another licence. The provision is similar to that which appears in the Road Traffic Act, so that a person whose licence has been cancelled will not be able to obtain another licence during the period of the cancellation.

Amendment carried; clause as amended passed.

Clause 21 passed.

Clause 22—"Unlawful operation of motor boats."

The Hon. T. M. CASEY moved:

In subclauses (1) and (2) to strike out "(A)" and insert "Subject to subsection (3) of this section, a"; and after "boat" to insert "under power".

Amendments carried.

The Hon. T. M. CASEY: I move to insert the following new subclause:

(3) No offence is committed under this section by a person who operates, or permits another to operate, a motor boat without a licence or permit under this part provided that—

(a) the boat is not operated at a speed in excess of 18 kilometres per hour; and

(b) a licensed person is in charge of the boat.

In certain circumstances, persons may decide to stop a vessel to do some fishing. Usually, the permit holder must throw out the anchor and, in doing so, more or less takes charge of the boat, while someone else is left in charge of the wheel. The Select Committee considered that, in such circumstances, the permit holder would virtually still be in charge of the vessel and that the person at the wheel should not be committing an offence. This new subclause will cover such a situation.

Amendment carried; clause as amended passed.

Clause 23—"Casualties."

The Hon. T. M. CASEY: I move to strike out subclause (3) and insert the following new subclause:

(3) The operator of a boat involved in a collision or other casualty in waters under the control of the Minister shall as soon as practicable give the information required by this section to a member of the Police Force near the place of the collision or casualty.

This amendment has been moved because in many cases there is no police station near an area in which a boating collision has occurred. However, at times a policeman could be patrolling such areas, in which circumstances those involved in the collision could report it to him. If such persons were required to report the accident to a police station, they could have to travel, say, about 15 kilometres to do so, which would not be reasonable. This amendment would cover the whole situation. In some areas there may be boating activities but no police station nearby. If there are patrolling policemen, the people can report to them rather than to the nearest police station. Naturally, if a police station is nearby, the people would go there to find a policeman.

The Hon. C. M. HILL: What does the Minister mean by "collision"?

The Hon. T. M. CASEY: When two boats come into contact, there is a collision.

The Hon. C. M. Hill: Must two boats be involved?

The Hon. T. M. CASEY: Not necessarily. A boat may hit a rock or a buoy.

The Hon. C. M. HILL: There may be minor collisions between boats, depending on who is in charge of them. Surely the Minister would not require people to report minor collisions.

The Hon. Jessie Cooper: That matter is dealt with later in the Bill.

Amendment carried.

The Hon. T. M. CASEY moved:

In subclause (5) after "him" to insert "or any other person"; and to insert the following new subclause:

(7) It shall be a defence to a charge that a person has failed to comply with subsection (3) of this section if he proves that the only damage or injury resulting from the collision or casualty was damage or injury to property and that a fair estimate of the cost of making good the damage or injury was not more than one hundred dollars.

Amendments carried; clause as amended passed.

Clauses 24 to 26 passed.

Clause 27—"Wrecks and abandoned boats."

The Hon. T. M. CASEY: I move:

In subclause (1) after "Director" to insert "or a member of the Police Force".

The Select Committee believes that this is a sensible amendment. The previous legislation provided that, even

if a person was in an isolated area, he should report a wrecked or abandoned boat to the Director. However, there may not be a telephone in the area. It is reasonable that, if a policeman is there, the matter should be reported to him.

Amendment carried; clause as amended passed.

Clauses 28 to 35 passed.

Clause 36—"Fees."

The Hon. T. M. CASEY: I move:

In subclause (1) to strike out "the general revenue of the State" and insert "a separate fund which shall be applied in defraying the cost of the administration of this Act".

The Select Committee believes that, as this Bill covers people engaging in motor boat activities, the money should be paid into a special fund, so that the organisations concerned can see how the money is spent.

Amendment carried.

The Hon. T. M. CASEY moved:

In subclause (2) to strike out "pursuant to the provisions of this Act" and insert "by regulation"; in subclause (3) after "in" first occurring to insert "making regulations"; and to insert the following new subclause:

(4) No differential registration fees shall be prescribed under this Act in respect of motor boats.

Amendments carried; clause as amended passed.

Clause 37—"Regulations."

The Hon. T. M. CASEY moved:

In subclause (1) (k) to strike out "Director" and insert "Minister".

Amendment carried; clause as amended passed.

Title.

The Hon. T. M. CASEY: I move:

To strike out "to provide for the control of boating" and insert "to promote safety in boating".

Because the original intention was to promote safety in boating, the Committee believes that the title should reflect that intention.

The Hon. C. R. STORY: I agree with the Minister that the committee worked well, and we are indebted to the people who gave evidence. They submitted their evidence in such a way that it was most concise and they came back if the committee required them to do so. The work of the committee was made much easier as a result. I am extremely pleased that all the forebodings about what the committee would not achieve and that we would not be able to reach agreement have been proved false and that the committee has brought down a unanimous report. There was no need to use casting votes, or anything of that sort.

This illustrates the ability of this Council to do a useful job as long as there is goodwill on both sides of the Chamber. I do not agree with the practice that has crept into Select Committees in recent times in relation to the loading of the committee with an additional member. The system laid down and proved by time is most satisfactory, because the opportunity still exists under Standing Orders for any member of the committee or any group of members to take remedial action in the Chamber if they wish to disagree with anything agreed to by the majority. I do not believe a Select Committee will work properly if it is necessary to use the knocker and to have provisions for absolute equality of Party representation, casting votes, and deliberative votes. The only way to get something out of these committees is by their becoming fact-finding committees so that Parliament can amend the Bill, if that is necessary. It can be left for Parliament to decide whether the committee has served properly. I am pleased to have been a member of the committee; I am pleased, too, that such useful amendments have come out

of it. The whole concept of the Bill is aimed at safety in boating, and I hope that will be thoroughly manifested.

The Hon. J. C. BURDETT: I endorse the remarks of the Minister and of the Hon. Mr. Story. When it came to the report stage, members of the committee conducted themselves in a considerable spirit of compromise and were willing to be reasonable. The report was a unanimous one. In relation to a number of clauses, a member suggested an amendment and ended up agreeing to one that did not go as far as he thought it should, while other members agreed to amendments which went further than they thought proper.

In paragraph 4 of the report it is stated that the committee was divided in its opinion as to whether ocean-going yachts registered under the Merchant Shipping Act should be exempted. Evidence was given to the effect that there could be a constitutional challenge to the Act on this point if the Bill stood as drafted. No amendment has been recommended, and it is possible that ocean-going yachts registered (and not required to be registered) under the Act could be the subject of a constitutional challenge. The view of the committee was that it was not for the committee to make itself a High Court to decide this point, and it is left for these people to raise a challenge if they wish. If that should eventuate, I hope honourable members will not consider that the committee was lax on this point. We were well aware of it, but had some doubt as to whether it was for us to do anything about it.

Amendment carried; title as amended passed.

Bill reported with amendments. Committee's report adopted.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That Standing Orders be so far suspended—

The Hon. Sir Arthur Rymill: Why suspend Standing Orders?

The Hon. T. M. CASEY: This is an important measure and it must be reprinted for the Lower House. Since it has gone through the Committee stage as a recommendation from a Select Committee, I thought, in fairness to the other place, that it should be given the opportunity to study the Bill as quickly as possible. I have been asked specifically by committee members to do that. If the Bill passes this place must it be reprinted and then submitted to the other Chamber or must it be reprinted here first?

The PRESIDENT: It must be reprinted here first.

The Hon. T. M. CASEY moved:

That the third reading of this Bill be made an Order of the Day for Thursday, October 3.

Motion carried.

APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 1. Page 1191.)

The Hon. J. C. BURDETT (Southern): I support the second reading. We expect that the Appropriation Bill each year will be in the same form. We refer to it as the Budget, and we expect it to be based on anticipated revenue and expenditure for the coming year. It is a most important Bill and members of Parliament as well as members of the public are interested in it. They wait with bated breath to know what extra imposts it may include. We expect the form of the Bill to be the same each year. In this case, however, we have a Bill not in the form we expect. I refer particularly to clause 3(2) which states:

If—

- (a) during the financial year ending on the thirtieth day of June, 1975, any increases of salaries or wages become payable by the State or—

and I emphasise the next following words—

in relation to any prescribed establishment pursuant to any return made under the Acts relating to the public service, or pursuant to any regulation or any award, order or determination of a court or other body empowered to fix salaries or wages;

I refer particularly to the fact that additional wages or salaries payable to prescribed establishments are covered in the Bill. This is not something we have been used to, and it is not simply relating to a Budget. It is making a new provision, one with which we are not familiar, in relation to the ordering of public finance. We expect the Budget to be a budget and I suggest we would expect changes in the system of financing to be made in the Public Finance Act, which is the right place for such changes.

Yesterday, I complained about a Bill which, under the guise of simply providing for the taking of evidence on commission, was in fact carrying out sweeping changes to the law on criminal evidence. I said that if that was intended that should, frankly, be done. I am now complaining about this Bill which, under the guise of being the Appropriation Bill, of being the Budget, of being the Bill that provides for the expenditure of public money in the next 12 months, effects sweeping changes in the method of public finance. I should have thought the right way of doing it would be the direct way of amending the Public Finance Act.

Because I have expressed this dissatisfaction with this Bill and because I am dissatisfied that not only does it do what it should do (that is, set out what the Budget is for the next 12 months) but also it goes further and changes the system of public finance, I have examined the powers of this Council in regard to the Bill. I do not make any forecast at present, but I propose briefly to state what powers this Council may have under the Constitution Act to suggest amendments to the Bill. I am thinking, of course, particularly about what I have just mentioned, that the Bill seeks to change the existing method of public finance by enabling additional amounts of money to be spent in a manner not practised before. Section 62 of the Constitution Act provides:

(1) The Legislative Council may not amend any money clause.

(2) Subject to subsection (3) of this section, the Council may return to the House of Assembly any Bill containing a money clause with a suggestion to omit or amend such clause or to insert additional money clauses, or may send to the Assembly a Bill containing suggested money clauses requesting, by message, that effect be given to the suggestion; and the Assembly may, if it thinks fit, make any omission or amendment, or insertion, so suggested, with or without modifications.

(3) Subsection (2) of this section applies to a money clause contained in an appropriation Bill only when such clause contains some provision appropriating revenue or other public money for some purpose other than a previously authorised purpose or dealing with some matter other than the appropriation of revenue or other public money.

Section 60 (4) of the Constitution Act defines “appropriation Bill”, “money Bill”, “money clause”, and “previously authorised purpose”, which means:

a purpose which has been previously authorised by Act of Parliament or by resolution passed by both Houses of Parliament.

So in an appropriation Bill it is possible for this Council only to suggest amendments only if the Bill contains an appropriation “for some purpose other than a previously

authorised purpose” or a provision “dealing with some matter other than the appropriation of revenue or other public money”. It is clearly an appropriation Bill—there is no doubt about that. Therefore, the limitations imposed by section 62 (3) of the Constitution Act apply to the Council’s powers to amend. This means that the Council can suggest amendments to a money clause only if it contains appropriation for a “previously authorised purpose” or deals with some matter “other than the appropriation of revenue or other public money”.

Whether clause 3 (2) of the Bill comes within the definition of a money clause is not entirely clear. The clause does not directly appropriate money but gives the Governor power to appropriate money, by warrant, in certain circumstances. Clause 3 (3) provides:

The Governor may, by warrant, under section 32a of the Public Finance Act, 1936, as amended, appropriate . . . Although clause 3 (2) does not directly appropriate money, it gives the Governor power to appropriate an undefined amount of money; so it appears to me to be a money clause. The question then is: does clause 3 (2) fall into either of the categories mentioned under section 62 (3) of the Constitution Act? The first question is whether the purpose is or is not “previously authorised”. I do not think it is perfectly clear but am prepared to concede that probably it is “previously authorised”; but the next question is whether it falls into the second category—that is, whether it is “dealing with some matter other than the appropriation of revenue or other public money”. I suggest it does. It seems to me that the delegation of what may be a power to appropriate large sums of money to the Government is a matter other than the appropriation of money. Here, I regard the delegation of power as a matter of substance separate from the subject of the power delegated: that is to say, it not merely provides for the appropriation of money but also delegates power.

The delegation is an important matter. It is always important to know whether or not some power is to be delegated or can be exercised only by the principal. I suggest there is in clause 3 (2) of the Bill a provision for some matter other than the appropriation of revenue or other public money. I go no further than that at present and shall predict no further action at present, but I conclude by saying it is strongly arguable that it would be, under the Constitution Act, competent for this Council to recommend amendments to another place in regard to this Bill on the matters I have raised.

The next matter, to which I shall refer briefly, is possible cuts in expenditure in the Budget. Other honourable members of this Council who have spoken have suggested that, as the State is in financial difficulty, it would be appropriate to cut back expenditure. After all, it is common sense for people in financial difficulty to cut back on their expenditure (they usually have to); the same applies to firms and organisations, so why should the same not apply to the State? Ministers have rightly said, “Where can we cut back? Which person do we sack? Do we sack a nurse, or what do we do?” It is true that further economies could be made in individual departments but it could be sensible to think of whole areas where cut-backs could be made and not merely the usual cut-backs in the Public Service departments and the departments carrying out the ordinary services, such as hospitals, teaching, highways, and so on. There is one field that comes to mind, obviously and readily, and that is the proposed city of Monarto. I realise, of course, that capital moneys come from Loan funds and are not concerned with this Bill, but it seems obvious that considerable amounts of revenue expenditure must be involved

in what is being done at Monarto. I do not propose to argue the rights or wrongs of Monarto now, for that is not relevant to this Bill. I do not propose to say whether or not I think it is a good concept.

The Hon. R. C. DeGaris: But surely it is affected by the Budget?

The Hon. J. C. BURDETT: I do not propose to argue that at present but, assuming it is a good concept and should go ahead, surely, while we are so short of money, it can be deferred. It could be delayed, and its development could be deferred for some time. It may be necessary (I am not arguing that) but we have done without it for some time, and I believe we can do without it for some time in the future, too. When the State is short of funds, the most sensible thing to do is look for areas in which it can reduce expenditure on luxuries that the State can do without for a period. Therefore, I strongly suggest that the Government consider deferring the development of Monarto, at least in some respects. Ministers by interjection have asked where we can cut back, and I suggest that this is one area where economies can be made. I hope that other honourable members who speak on this Bill will make other suggestions. Yesterday I listened with interest to the lecture we received from the Hon. Mr. Chatterton on economic theory and theoretical Socialism. Indeed, it almost took me back to my student days.

The Hon. R. C. DeGaris: That was a long time ago.

The Hon. J. C. BURDETT: It was.

The Hon. D. H. L. Banfield: It doesn't show, though.

The Hon. J. C. BURDETT: Whether we are orthodox Keynesians or whether we are Socialists, and whatever economic theory we adopt, it still seems to me to make sense that, if one is short of money or one is likely to incur a large deficit unless one increases taxes, the deficit can be reduced or the size of the taxation increase can be lessened if the expenditure to be made is lessened. That is what I suggest the Government should do. With the reservations I have made, I support the Bill.

The Hon. M. B. DAWKINS (Midland): I rise to speak on this Bill with some concern. I endorse the comment of the Hon. Mr. Burdett that expenditure should be reduced. We were told that this was a tame Budget but, if it was tame, it was because this Government had made a considerable number of taxation increases during the year in almost every conceivable field. If it was a tame Budget, the total amount was anything but tame, because it amounted to \$774 600 000. When the Hon. Mr. Gilfillan and the Hon. Mr. DeGaris entered this Council with me about 12 years ago, the Budget at that time totalled only about \$200 000 000, and this Budget involves a sum almost four times as large.

I would be happy if we had achieved four times as much progress as we had achieved in 1962, but no-one can say that that is the case. The large sum provided for in this Budget has been caused by three things. First, South Australia has felt the effect of inflation, and we all have a problem with inflation. Secondly, there are the additional imposts levied by this Government since it has been in office, and, thirdly, there has been the unrestrained spending that we have come to expect from Socialist Governments.

In 1962, the then Premier (Sir Thomas Playford) was often denigrated by the gentleman who now holds that office because Sir Thomas managed with a staff comprising only a secretary and two typistes. I suggest that he was much more successful in advancing South Australia, certainly proportionately, than our current Premier with his 186 (or whatever is the number) public servants who

run around and fill in their time in the Premier's Department. I shall refer to some of the escalations involved in departmental expenditure, which I believe have been unnecessary. One such increase in the Premier's Department is in my opinion scandalous, and in another department the increases have been niggardly and inadequate, especially relative to the present Australian financial climate.

In 1971, total Government expenditure amounted to about 17 per cent more than the allocation in the previous year, and the 17 per cent increase included only a 4 per cent increase to the Agriculture Department, while a 92 per cent increase was provided for the Premier's Department. In 1972 (and I could deal with other departments, too, but I do not want to take up unnecessarily the time of this Council), a total estimated increase in expenditure of about 14 per cent was provided. In that year the Agriculture Department did a little better, being allocated an 8 per cent increase, but that was still below the average departmental increase.

The Premier's Department in that year having received a 92 per cent increase in 1971, still received a 3½ per cent increase above the departmental average, it receiving an increase of 17·5 per cent. In 1973 the Budget provided for a 20 per cent increase in total estimated expenditure. Again the Agriculture Department did a little better by obtaining an 11·9 per cent increase, yet the increase allocated to the Premier's Department was 25·4 per cent. Now we find that there is an increase in this Budget overall of 23·7 per cent, with only a mere 5·3 per cent increase being allocated to the Agriculture Department. I believe that that department has received increases which have been niggardly and inadequate. Of course, the increase in expenditure allocated to the Premier's Department was about 33 per cent, which is an example of irresponsible spending of public money.

If the Premier and Treasurer wants to find an area where he can reduce expenditure, then I suggest he looks first at his own department, because the figures I have just given expose what I believe to be a scandalous situation. As I have said, I could instance other departments where some restraint should have been exercised long before this stage. From my experience, however, I have yet to see a Labor Government which really has an understanding of restraint, except when it comes to supporting private hospitals and similar institutions. Then, of course, it suddenly finds that it has no money.

I now refer to the Agriculture Department, agricultural colleges and the report of Sir Allan Callaghan which I have here, at long last. The report is dated December, 1973, but even now only one or two copies have been made available to the Opposition, and the report is still not generally available 10 months after it was completed. I refer first to Sir Allan Callaghan himself, because I believe that South Australia was singularly fortunate in having obtained the services of Dr. Callaghan (as he was known for most of his working life).

My late father, A. M. Dawkins, was the Chairman of the Governing Council of Roseworthy Agricultural College 42 years ago, when Dr. Callaghan was appointed. I suppose that my father could, in some measure, take credit for the fact that Sir Allan came to South Australia. My father had great faith in Sir Allan, and that faith was well placed. I commend the Minister for securing the services of Sir Allan to compile this report, and I hope that the Minister will soon be able to implement its recommendations, and make the report itself available a little more quickly than has been the case so far. One would have expected a valuable report from the former Director of Agriculture, and that is what we

got. We were told at one stage that the report recommended Monarto as the headquarters of the Agriculture Department. However, I believe that statement was misleading. It may have been a mistake, and it should have been retracted, as it was, because Sir Allan did not recommend Monarto as the department's headquarters. However, he did recommend it as a regional centre. I should like to say one or two things about the report, as it concerns people who are interested in this State's primary industries. I refer, first, to paragraph 1 of section VI on page 16 of the report, under the heading "Proposed new structure", which states:

The department has a professional staff of highly competent and dedicated people. Unfortunately, morale is low and many have confessed to frustration and job dissatisfaction. Much of this stems from defects in the administrative structure. Unless these are overcome and there is a lift in departmental prestige and work recognition, the most highly trained and personable officers may well be lost to the State.

What Sir Allan says there may well be true. However, the inadequate sums of money that have been provided to the Agriculture Department (I have already referred to the percentages) would have made a considerable contribution to the low morale that Sir Allan has said exists in the department. Sir Allan suggested that the department should have a Director-General, a Deputy Director-General, and five divisional chiefs. On page 21 of the report, he stated:

Evidence presented in the course of the review favoured the following regions and regional centres, in order of priority, for establishment: South-East, centred at Naracoorte (Struan)—

which is apparently on the way or has been established—Riverland, centred at Loxton—

and there has been a central office at Loxton for some time—

Eyre Peninsula, centred at Port Lincoln (or Cleve); Northern, centred at Kadina (or Clare); and Central, centred at Monarto.

In paragraph 18, on page 21, Sir Allan said:

While the centres nominated represent a consensus, it remains a matter of Government policy where best to establish the headquarters of the regions.

So far from saying that it should be centred at Monarto, Sir Allan says that it remains a matter of Government policy where best to establish the headquarters of the regions. He continued:

Opinion favoured separation of the central regional centre from head office.

Although Sir Allan has already said he believed that the central regional office could be centred at Monarto, he said in his report that opinion favoured separation of the central region office from head office. I do not wish to dwell at length on the Agriculture Department, except to express concern that the department has, I believe, during the term of office of the present Government, been the Cinderella department, which it certainly does not deserve to have been.

Before I leave the field of agriculture, I should like to refer to agricultural colleges. In 1967, I think it was, the then Minister of Agriculture in the previous Labor Government (Mr. Bywaters) appointed a committee to inquire into agricultural education. However, I believe that committee met only once before there was a change of Government. During the term of office of the Hon. Mr. Story as Minister of Agriculture, the committee was revived with a new Chairman, Mr. A. M. Ramsay, the head of the Housing Trust. That committee sat for a considerable period during the term of office of the Liberal Government.

The Hon. C. R. Story: For 15 months.

The Hon. M. B. DAWKINS: I am not sure whether it continued its sittings during the early stages of the present Labor Government's term of office, or whether it completed its findings during the Hon. Mr. Story's Ministry. In any case, the committee came down with what I believe was a valuable report. It recommended, idealistically no doubt, and probably in the long-term, the establishment of three or four additional colleges. The Government has rejected that concept totally, at least for some considerable time; this was borne out by the Minister's reply to a question I asked in the Council a couple of weeks ago.

Instead, the Government intends to set up different strata of agricultural education at Roseworthy Agricultural College. I question whether this will prove successful. I understand that it was not successful at the agricultural college at Gatton, in Queensland. I understand also that the pattern at the longer established colleges in other States, where Matriculation is a condition of entry, is that younger men enter the colleges at 17 years of age and go through to diploma courses and, I have no doubt, eventually to degree courses. It is almost certain that at Roseworthy (and the Hon. Mr. Chatterton may be able to endorse or reject my observation in this respect) the diploma in agricultural technology will be upgraded to a degree, as will the diploma in oenology. Young men go straight from school into these courses.

However, the situation regarding the farm management courses conducted in the Eastern States is different. Young men leave school at about 17 years of age and must complete two years of practical agricultural education on an approved property before they can go to a farm management college. I cannot see many young men being particularly anxious to enter Roseworthy Agricultural College at 19 years of age to do a farm management course and be a poor relation to students who are a couple of years younger. I question the wisdom of continuing a number of courses at Roseworthy. I believe that sooner or later (and it will be sooner, if a Liberal Government is returned to office) a second college, for the education of students who want to return to the land, will be established.

I should like to discuss a couple of matters about the Budget that concern me. The Hon. Mr. Burdett referred briefly to Monarto. I am concerned about the decision that was made regarding Monarto, not because I am opposed to such a concept but because I believe it is wrongly sited and, indeed, that it is too close to the city. I said some time ago, I think probably in the Loan Estimates debate, that I believed it would be as easy for one to travel from Monarto to the city on the freeway in the 1980's as it was for one to travel from Elizabeth to the city on what was then a single-lane highway in the 1950's.

In contrast to what the Chief Secretary said this afternoon (I have a great respect for the honourable gentleman, but I believe he was mistaken), I do not believe that Monarto will contribute to decentralisation. It will be another city of commuters. Undoubtedly, some industries will eventually be established there, but many people will, without the slightest doubt, be forced to commute from Monarto to Adelaide every day. I therefore do not believe that Monarto will be a real contribution to decentralisation; also, it is not properly sited. At a time when it is planned to spend money on Monarto, a report has been tabled in the Commonwealth Parliament stating that the South Australian authorities reached a decision on Monarto without sufficient appraisal of other possible solutions. The report states:

In the light of the studies now available and Adelaide's present problems in attracting new industries, the Monarto project appears to us, to say the least, very premature.

One wonders why the Government had to rush into the Monarto project, as it seems to be rushing into the Redcliff project. It was reported that the Treasurer was unconcerned by the report to which I have referred. He said that it was based on a series of assumptions that were completely invalid. According to the Treasurer, Monarto is still a goer. If Monarto had been sufficiently investigated it would not be necessary for the Treasurer to try to persuade people that Monarto was still a goer. Had the project been thoroughly researched and sited farther from Adelaide, it might well be a better proposition. Knowing some of the area, I point out that there is relatively shallow soil over much of the site. The proximity of rock to the surface may well cause a tremendous increase in the cost of sewerage and similar services in due course. I agree with the Hon. Mr. Burdett that the work on Monarto could be deferred. An article in today's *News* by Mr. Rex Jory states:

Initial population growth plans for the new city of Monarto have been cut back. Early statements on Monarto development said 7 000 people would be in the city by 1979.

The article goes on to say that Mr. Richardson, the General Manager of the Monarto Development Commission, recently predicted that the commission now aimed to have 4 000 people at Monarto in about five years from now. So, the project is being pruned to some extent. I believe there should have been further investigation of the Monarto project and also the Redcliff project. The criticism of the Monarto project was levelled not by the previous "wicked" Commonwealth Government, which always got the blame for everything: the criticism was levelled by this Government's own bedfellows—the Commonwealth Labor Government, which sought a further inquiry into the Monarto project and the Redcliff project.

The Hon. R. C. DeGaris: I do not think anyone here has argued against the Redcliff project on a decentralisation basis.

The Hon. M. B. DAWKINS: I would not do that. Further, I would not argue against the Monarto project if it were not so close to Adelaide and if it were at a more suitable site. We are not opposed to decentralisation, which the Chief Secretary said we were.

The Hon. A. F. Kneebone: We were told at one time that Elizabeth was a decentralisation project.

The Hon. M. B. DAWKINS: May be. The Minister is now telling us that Monarto is a decentralisation project. I believe that Monarto is no more a decentralisation project than was Elizabeth 30 years earlier. I turn now to the question of grants to the arts, a subject that has always been dear to the Treasurer's heart. An article in the *South-Eastern Times* of September 26 with reference to the town of Millicent states:

The State Government's new \$25 000 grant is for improvements at the civic and arts centre. The member for Millicent, Mr. Corcoran, said the grant was provided for in the Estimates now before Parliament, and would be available as soon as they were passed. Mr. Corcoran said the \$25 000 was in addition to \$5 000 given to the council earlier in the year for the curtains.

I favour grants to the arts, but I should like to know under what line the money was granted. I have no quarrel with providing \$25 000 for that purpose as a specific grant, but what will other towns in the Millicent District think? I am referring to Penola, Port MacDonnell, Kingston and Beachport. Other towns have needs similar to those of Millicent. Indeed, in many cases, their present facilities

are not as good as those at Millicent. Will Mount Gambier, Naracoorte, Renmark, Murray Bridge, Gawler and Port Pirie qualify for \$25 000, or will they be unlucky because they are not in the swinging district, which, prior to today, was represented by the Deputy Premier? With great respect to the Hon. Mr. DeGaris, I wonder why Millicent was selected for the hand-out.

The Hon. R. C. DeGaris: There is a very nice civic and arts centre there.

The Hon. M. B. DAWKINS: I know that, and this grant will provide further facilities. Provided the Government can find the necessary money and does not have to starve hospitals, I believe that grants to the performing arts should be made. I recently had a telephone call from the Rev. Graham Nicholls, a former professional singer and a former Norwood ruckman. The Hon. Don Dunstan might listen to Mr. Nicholls, because I believe Mr. Dunstan has something to do with Norwood. I guess that one of the few things I have in common with the Treasurer is that I am a one-eyed Norwood barracker. Mr. Nicholls is concerned about the lack of adequate support for culture from the State Government. As a former professional singer who has performed in the United Kingdom, he is concerned about music and about some semi-urban areas and country areas that are struggling in this respect. I agree with his request for further consideration of these matters, and I shall be pleased to take up this question with the Treasurer in due course.

I want to say one or two things about the hospital situation. I am concerned at the reply the Minister gave this afternoon when he indicated briefly that, after about 10 Government institutions which he named, any consideration for Memorial Hospital (or presumably for any other private hospital) would come well down the list, and after the others had been considered. I am sorry to see this. The Government, as I have said, has given assistance for Calvary Hospital and for St. Andrews Hospital. I believe this was a good thing, and I believe also that the Government should, where necessary, provide assistance for other private hospitals, because they save the Government money.

Private schools also save the Government's money. I know the Australian Labor Party is inclined to want all institutions to be Government institutions. It has something of a mania for control, but there is no doubt that private institutions save the Government money because they are partly financed by their own revenue and are not a complete drain on the Government. I am concerned to hear that the Minister has got the Government hospitals so much in his eye that he thinks a place such as Memorial Hospital, which has made a tremendously valuable contribution over many years, should be only considered after the other institutions.

The Hon. D. H. L. Banfield: Do you think it should be placed above Northfield?

The Hon. M. B. DAWKINS: I am not suggesting it should be placed above any other institution in particular. What I am suggesting is that, if the Government provides assistance for private hospitals (which has been done in the past) it should give due consideration to Memorial Hospital as well as to any other private hospital that has provided as valuable a service to the community over many years as has that hospital.

The Hon. D. H. L. Banfield: Hasn't Northfield done anything for the community?

The Hon. M. B. DAWKINS: I am not suggesting it has not. There is no point in the Minister's trying to introduce such a red herring, because I believe it has done valuable service for the community. I say the same

about private schools. The Labor Party is making it more difficult (and this is probably not so much to do with this Budget) for private schools to continue, but every young student who goes to a private school saves the Government money, because that student does not have to be provided for entirely by Government funds. The Government should have a different attitude to the private section of the community, which endeavours to provide its own hospitalisation and, as far as possible, its own education. I suggest the Government should rethink the situation.

Many other things could be said, but most of them have been covered by other honourable members, and I do not propose to carry this debate any further. I have been concerned about the way in which costs have escalated and the way in which this Government has spent money. Looking at the way Parliament House is being redecorated and comparing the cost of that work with the cost if it had been let out on contract causes me great concern. With an underlying concern for the irresponsible escalation of costs, I support the Bill.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (MEETINGS)

Consideration of the House of Assembly's message requesting a conference.

(Continued from October 1. Page 1191.)

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That a message be sent to the House of Assembly granting a conference as requested by that House; that the time and place for holding the conference be the Legislative Council conference room at the hour of 7.30 p.m.; and that the Hons. D. H. L. Banfield, C. W. Creedon, R. C. DeGaris, C. R. Story, and A. M. Whyte be managers on the part of this Council.

I move this motion because I believe there is room for manoeuvring in relation to this Bill. It was said previously that there was no room for manoeuvre, that it was a "black or white" situation, and that the Government believed it had to be a unanimous decision. However, the Government accepted an Opposition amendment in another place to allow for a two-thirds majority vote in a council to hold day-time meetings. That amendment was further amended in this Council to provide for an absolute majority. There is still room for manoeuvring between the present provision and the amendment moved by the Opposition in another place and accepted unanimously there. I appeal to honourable members to take the opportunity to save the Bill, and I am heartened by the fact that, although the Hon. Mr. DeGaris, when speaking previously to this Bill, said there was no room for compromise, he then went on to say:

I stress that I am expressing my own view when I say that I cannot see any sense in having a conference between the two Houses on the matter.

I was further heartened by the fact that no other member expressed a view on this point. For those reasons, I believe the Council should accede to the request of the House of Assembly and grant a conference so that the matter can be discussed with the possibility that some compromise may be reached. As the House of Assembly agreed to the Opposition's amendment moved there, we should at least give the other place the opportunity to confer with managers from this Council.

The Hon. R. C. DeGARIS (Leader of the Opposition): I oppose the motion. I have expressed myself on this matter previously and, although I thank the Minister for raising the point that I was expressing my personal view, I point out that that applies to every member in this place, as the Minister knows. I express my personal view, and other members can assess the position as they see it at all times. The position is still a "black or white" one. There is the concept of an absolute majority, and that is as far as I am prepared to go in any matter. There is also the concept of something other than an absolute majority. They all fall into the same category in my view, whether it is a two-thirds majority, an absolute majority, or a unanimous vote that is required. I am sorry I have to oppose the Minister on this occasion, but I have fully expressed my views previously.

The Hon. G. J. GILFILLAN (Northern): I have not spoken previously on this matter, but I support the attitude of the Hon. Mr. DeGaris. The present situation is ludicrous. This matter was before Parliament in a previous session and the Minister in another place had an opportunity to adopt an attitude different from the one he took—an opportunity to adopt an attitude of compromise. As the Bill left the Legislative Council, an absolute majority was necessary before the council could sit before 6 p.m. That should be a gain for the Minister on the present situation, which he has put at risk by not further amending the amendment. It is ridiculous to suggest a compromise between two-thirds and an absolute majority. The mean of two-thirds and a half is seven-twelfths, and the way in which local government is being subjected to pressures is becoming absurd. Local government is doing a worthwhile job in the community. In many instances, it is more viable than are the Governments that are trying to dictate a policy to it.

Many councils are completely viable, whereas the Commonwealth and State Governments face serious financial problems. The warning that local government cannot expect to receive financial grants to help it run its affairs and that it should attempt to manage them within its own rate revenue is also unfair because, let's face it, the revenue raised from motor vehicle registration fees and the excise on petrol is taxpayers' money; it does not belong to the Commonwealth Government or the State Government—or to local government in particular. It is merely that the Commonwealth and State Governments are responsible for collecting that money. There should be no suggestion that local government has no right to any of it. Therefore, in the present circumstances, any attempt to hold a conference between the two Houses to try to find a compromise between a two-thirds majority and an absolute majority is absolutely ludicrous. I support the Hon. Mr. DeGaris when he says he believes that no good can come from such an exercise.

The Hon. C. R. STORY (Midland): I think my attitude to this legislation is well known, because I went to some pains to see that the Bill was split to enable the important parts of it to be passed in isolation from the more emotional parts of it—the present Bill, clause 7 of the original Bill. I voted against the clause when it was before the Council as an individual clause, as I had a right to vote against it, which I exercised. Little argument can be advanced for inserting a time, even a logical time, probably 9 a.m. It is conceivable that, considering all these bogies that have been raised about shift workers who cannot do this or that to serve on councils, there are groups of people about who, if they got control of the councils, would be

advocating the time of 10 p.m., for the benefit of shift workers; that would not be beyond the bounds of possibility because, if a sufficient number of people wanted to meet at 10 p.m. and sit through into the next day, there would be nothing to prevent that. If the majority of people on a council wanted to do it that way, that is the way it should be done. We should leave councils to act alone and let the individual councillors work out the time at which they want to have a meeting.

There would be a decent-sized revolt in the district if anyone tried to prevent enthusiastic people from sitting on the council. There would, of course, be the hairy-legged lads who would get around to the ratepayers and tell them they had a right to serve in local government, even though the hoary-headed old rapacious landholders would not let them in. They would soon alert the district to this problem. If they were enthusiastic about getting on to council, they would seek to alter the time to suit themselves. We have seen that happen in other spheres of government. I am not enthusiastic about having the time laid down in the Bill. Consequently, I favour neither an absolute majority nor a two-thirds majority; but I am interested in preserving the processes that have obtained in the Constitution since responsible government was introduced into South Australia. One of those processes is that we should endeavour to reach a compromise, wherever possible, between the two Houses of Parliament. What the Hon. Mr. Gilfillan has said is probably correct: there may not be room for compromise; but we do not know that until we accede to the request of the other place and hear what it has to put forward. We assume too much unless we grant a conference. I do not believe we should deny the other place a conference on a matter that has been put to the Council a second time. My attitude is quite clear: I will not deny the other place a conference, so I will vote with the Government on this issue.

The Hon. M. B. DAWKINS (Midland): I regret I cannot go along entirely with my friend and colleague, the Hon. Mr. Story, on this matter. With him, and, I think, with three or four other honourable members, I voted against the whole clause, because I did not like it. Clause 7 (as it was) is dictatorial. Nevertheless, having got to the stage at which we now are, I agree with the Hon. Mr. DeGaris and the Hon. Mr. Gilfillan that there is no real room for a compromise between the two alternatives we have before us. While I give due weight to the comments of the Hon. Mr. Story about preserving the usages of Parliament, it could be close to making a mockery of the conference provision to try to have a conference on this matter. For that reason, regretfully, I would vote against the possibility of having a conference at this stage.

The Council divided on the motion:

Ayes (7)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, C. R. Story, and A. M. Whyte.

Noes (9)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, and Sir Arthur Rymill.

Pair—Aye—Hon. A. J. Shard. No—Hon. V. G. Springett.

Majority of 2 for the Noes.

Motion thus negatived.

POTATO MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 1. Page 1184.)

The Hon. C. R. STORY (Midland): I support the Bill. The amendments provided by the Bill are similar to those made to the principal Act in 1964, when the position was similar to that now applying in respect of potato washers. Now we have potato packagers, and these people circumvent in some way the Potato Board by getting around the provisions applying in respect of orderly marketing. If it were a good thing and if housewives were getting better potatoes at a lower price, there would be some logic in it, but that is not the case.

The board has provided good service in recent times, although there were times when the board was in great disrepute. However, since the board's reorganisation and the appointment of Mr. Jack Reddin as Chairman of the board, it has improved its image, not only with potato growers but also with the public generally. It is most important that housewives know, when they pay additional money for washed potatoes, that they get good quality potatoes that have not been damaged and will not go off as a result of being subjected to the washing process. All this has to be policed, and it costs money to police such matters. In the same way, the work of this new group, the potato packagers, must be supervised because, unless there are proper packaging regulations and conditions applying to that section of the industry, anything could be fobbed off on to the public.

The situation becomes even more difficult when 45 kilograms of potatoes are packed in a paper bag for sale. I believe potatoes should be packaged by the greengrocer, because under this new system the packages are closed, and one cannot see what is contained in them. I refer to the situation of a person in a supermarket picking up such a package and moving through a queue. Such a person would have no time to open such a package. However, by this Bill, potato packagers and washers will come completely under the jurisdiction of the board's inspectorial staff.

Producers have put themselves into this type of marketing, and the price of potatoes has increased so much that I do not believe potato growers have ever had it much better in respect of prices than in recent times. However, very often the grower has had to plough in more potatoes than he had been able to sell. The situation has not always been so good as it is now, and I refer to the supply to the local market of potatoes from other States and the dumping that has occurred on certain occasions. Of course, consumers have paid for this in the long run because, when the market price increased, merchants recouped their losses, which they had incurred earlier in the year. At least the board has equalised the situation to a large extent and cleared it up to bring potatoes back to a more stable price situation.

The position applying currently to the potato industry is that there is a shortage of potatoes, and in this context I refer to the problem faced by many growers on the Adelaide Plains with the non-availability of water supplies for their crops. If this continues, it will mean that many growers will have to go farther away to get more satisfactory water supplies, and this will result in an increased price for potatoes. I do not believe the South Australian housewife can look forward to potatoes being as cheap as they were a few years ago. However, if the housewife has to pay more for her potatoes, she is at

least entitled to know that she is buying good quality, properly washed and graded potatoes for the higher price.

The Hon. A. M. WHYTE secured the adjournment of the debate.

SWINE COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 1. Page 1185.)

The Hon. C. R. STORY (Midland): I think I support the Bill at this stage, but I am not totally sure, because I have not yet received all my riding instructions, as I have not yet had the opportunity to talk to members of the industry. I know that the industry has been in conference with the Minister, and much of what this Bill seeks to accomplish has been requested by the industry. All I have now to do is to piece together all the bits and pieces into the Act to see whether the Bill is actually what the industry wants. It is most difficult for members to do their work at this stage of a session when legislation is constantly being introduced. It is impossible to get loose-leaf copies of Acts, and this makes it all the more difficult for members (although, at least, we have Statutes located in this building which, although heavy to carry about, we have access to), but it must be an impossible situation for members of the public who, in trying to research legislation, are told that certain Acts are out of print.

Can the Minister say why loose-leaf copies of Acts are out of print at this stage, which is not long after the Government has spent a large sum on establishing the new Government Printing Office at Netley? This is the third time in the last week that I have asked for copies of Acts. They are not available from the office located in the South Australian Government Tourist Bureau, and I have been told that many of these publications are out of print. I would like the Government to look into this matter and to find out why these publications are not in print. Certainly, with off-set printing machines, it should be possible to do a run. The same situation does not now apply as it did in the old days.

The Hon. F. J. Potter: They are waiting for the long-awaited consolidation of Statutes.

The Hon. C. R. STORY: I think that is false economy. As far as I know, there is nothing happening in the consolidation of swine compensation legislation. To study this Act properly, it would be necessary for one to examine 11 separate volumes of the Statute Book. Although there is one set of Statute Books in the Chamber, there are a few other sets throughout the building that are not fully annotated, and it would indeed be very difficult to carry around the whole 11 volumes that contain references to the Act. As the Government has spent all this money, it should take up the matter with the Government Printer in order to provide a service not only to honourable members but also to the public generally, because it is important that the public should be informed of these matters. However, that does not excuse my not knowing what the Bill is all about.

Generally I agree with the legislation. However, I draw to the attention of the Minister, and particularly the industry, the fact that it is good for one to read history at times, because one does not want to see regarding this legislation a repeat of what happened in relation to the Cattle Compensation Act. The fund that was established thereunder was indeed strong, and an amendment passed, I think, during the Ministry of the Hon. Mr. Bywaters enabled more compensation to be paid. Also, it enabled moneys derived from the dairy industry (which, after all, provided most of the money initially) to be used in outlying areas.

One can indeed be proud of what has been accomplished in the cattle industry. However, the fund to which I have referred was denuded, and I do not know how some primary producer representatives and heads of primary producing organisations can have the effrontery to tell their people what is happening. After all, they agreed to the establishment of the Cattle Compensation Fund, and they did not take any remedial action when they saw that that fund was being depleted. They did not tell the Government to move any amendments to stop what was happening.

As a consequence the fund is heavily in debt, and the Government is charging the industry 10 per cent interest on money of which it has had the use for many years without paying interest. The Government funded the scheme in order to obtain the matching Commonwealth grant. This is just a take by the Treasurer against primary producers. I hope the Minister will agree to an adjournment of the debate on this Bill to enable the Hon. Mr. Dawkins and other honourable members to examine it fully. Although I agree in principle with what is happening, I want to be thoroughly assured that the Bill contains sufficient safeguards to ensure that the pig industry, which has done such a wonderful job in relation to promotion and research, for all of which it has paid, is not led up the garden path in the same way as were the cattle people. In order to protect them, I would like other honourable members to be given ample time to study the Bill, the principle of which I support.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 1. Page 1194.)

The Hon. A. F. KNEEBONE (Chief Secretary): Although I do not want to delay the passage of the Bill, I should like to explain a matter that the Hon. Mr. Burdett drew to the Council's attention. In my second reading explanation, I said that the Law Society supported the Bill. I regret that my second reading explanation was not more explicit in this respect. However, the matter can be clarified by my reading the following letter that the Attorney-General wrote to the President of the Law Society on September 6, 1974:

Dear Mr. Thomson,

re: Evidence Act Amendment Bill

I acknowledge receipt of your letter of August 29, 1974. I feel some surprise at its contents. Before taking the decision to proceed with this Bill, I caused my department to seek the views of the Law Society. Those views were conveyed to me by the society's letter dated February 22, 1972, in the following terms:

Re taking of evidence away from a court of trial.

I acknowledge your letter dated August 3, 1971.

At a meeting held on February 21, 1972, the council resolved that it was in favour of the South Australian Parliament passing legislation in similar terms to the Bill to amend the Victorian Evidence Act, 1958, which was drafted for consideration by the Standing Committee of Commonwealth and State Attorneys-General and dated June 15, 1971, and that it also favoured a provision similar to section IIIA of the Victorian Evidence Act, 1958-1966.

Having received that support, I gave instructions for the preparation of the Bill. The Bill which has been introduced into the House follows the Victorian Act and the only variations are of a drafting or machinery nature. The decision to proceed with this Bill was taken after ascertaining the society's views. My second reading speech indicated that the proposals had the support of the society. It is disconcerting to find that the society's views have now changed.

I shall reconsider the matter in the light of the society's present views. I must however bear in mind that the legislation was prepared after a decision of the Standing Committee of Attorneys-General made on the recommendation of the standing committee's officers, that it has been the law in Victoria since 1958 without objection or difficulty, that it was recommended in the 21st Report of the Law Reform Committee, that it received the approval of the judges of the Supreme Court, and that it was proceeded with only after receiving the approval of the Law Society.

I admit, too, that the composition of the Law Society changes from time to time, and that it has a right to change its mind on this matter. I want merely to clear up the fact that the society gave its approval in February, 1972. Although the Attorney-General explained the situation in another place, I consider that my second reading explanation could have been a little more explicit. The matters referred to by the Hon. Mr. Burdett, particularly in connection with the view of the Law Society, are being covered by his amendments, which I intend to accept.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of Part VIB of principal Act."

The Hon. J. C. BURDETT: I move:

In new section 59d (2) to strike out "This Part" and insert "Subject to subsection (3) of this section, this Part"; and to insert the following new subsection:

(3) No deposition or document shall be tendered in pursuance of this Part in proceedings that are being tried in this State before a jury unless all parties to the proceedings agree.

Because I explained the reasons for these amendments during my contribution to the second reading debate and because the Chief Secretary has said that he will accept them, I will not deal with them further.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 1. Page 1195.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): We had a very short second reading explanation of this Bill. The first sentence of that explanation says:

Following an administrative reorganisation—which is unexplained—

it has been decided that Ministerial responsibility for the Art Gallery Act, 1939, as amended, should be borne by the Premier instead of by the Minister of Education.

It is rather strange wording: the responsibility for the Art Gallery is to be "borne" by the Premier. It sounds as though it is a very onerous job, but I would not have thought it was. I would have thought that the job would be a cause of great pleasure to a person of the Premier's artistic talents. The reorganisation being made is unexplained, and I think Parliament is entitled to know why that reorganisation has become necessary. We are being asked to agree to changing an Act to put the Art Gallery under the control of another Minister. We are therefore entitled to more information than the Government has so far seen fit to give us.

Yesterday the Hon. Mrs. Cooper, in a very interesting speech, traced a good deal of the history of the Art Gallery. She postulated that surely the Art Gallery is more closely related to the Education Department than to any other Ministerial situation; this is my opinion, too. What is the Art Gallery for? I would think its primary object is to educate people. Artists can go along and see a range of work by other artists, including Asian,

Australian, English and Continental artists. Also, the object of the Art Gallery is to educate the public at large. Those who love the pictorial arts are educated as they visit the gallery. In going to art galleries one does not seek simply sensual pleasure: one goes to learn. This is why for at least 35 years the Art Gallery has been under the control of the Minister of Education.

I have some personal association with this matter because until recently I was a member of the board of the Art Gallery. I had the pleasure (and I use the word "pleasure" advisedly) of serving on that board for four years. The Minister of Education was kind enough to offer me reappointment, but I thought the time had arrived when I had given anything I could give to the gallery. I particularly refer to the negotiations for getting from the then Government a decent grant for obtaining works of art. I was astonished to find that the generous grant of those days was \$5 000 a year for the purchase of works of art! We know that in recent times the painting *Blue Poles* cost a great deal. Further, the editorial in today's *News* says that art dealers have succeeded in extracting \$650 000 for Willem de Kooning's *Woman V*. How far would \$5 000 go? It was a ridiculous grant. The then Government (and the Hon. Mr. DeGaris would know something about this) raised the grant to \$35 000, which gave some minor scope.

While I was a member of the board (this was nothing to do with any inspiration of mine; I think it resulted from the efforts of the Director) the gallery received a magnificent collection of Asian pottery, of which we can be very proud. Students from other places are coming to look at it. This emphasises the educational aspect. Some of this pottery was from Thailand and other places where ovens were discovered that were 500 or 600 years old and apparently had been sealed by earthquakes or some other disaster. Much beautiful pottery had never been uncovered. There is also some beautiful Korean pottery there, as well as Chinese trade ware, and so on.

We have something to be proud of in our Art Gallery, and all these things I am saying surely relate to the Ministry of the Education Department. We are not told why it is necessary to change the oversight of the department. I served on the board under three Ministers of Education, all extremely good people. Mrs. Steele was the first, Mr. John Coumbe next, and then Mr. Hugh Hudson, the present Minister; they are all excellent people, and I thought their attitude to the Art Gallery was splendid. I cannot believe that the present Minister of Education has failed in his duties, as this Bill might indicate in the absence of any explanation to the contrary, so why is it necessary to change? Does someone else want to wallow in some posture of artistic glory, or what is the reason? We are just not told. The *News* this afternoon, in relation to a Commonwealth matter, states:

In this instance it would seem Mr. Whitlam's determination to be a generous patron for the arts has blinded his grasp of reality.

I am not suggesting there is a blinding of reality in this matter, but I am asking why the need arises for this when it seems that the department and the Minister at present controlling it are the correct choice. My attitude, having sought this information, is quite simple. I want an explanation of why this change is sought. If I am satisfied with the explanation, I shall be prepared to vote for the Bill. If I do not get an explanation, or if it does not seem reasonable, I have an entitlement to do otherwise.

The Hon. A. M. WHYTE secured the adjournment of the debate.

OCCUPATIONAL THERAPISTS BILL

Adjourned debate on second reading.

(Continued from October 1, Page 1196.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Hon. Mr. Springett for his contribution to this debate, and I support the submissions he made to the Government. I look forward to the Minister's replies to the questions he raised. The occupational therapy course began in South Australia during my time as Minister of Health. It became obvious that the use of paramedical staff in health teams would increase quite considerably in South Australia. When we established these new paramedical courses and produced larger numbers of people who could work in the occupational therapy field, there was a need to maintain certain standards in the profession. There is still a need in South Australia to extend training in the therapies that go with modern health team operations. We have not as yet established in South Australia a speech therapy course. This also, on the question of health teams, ties in with the growth that will occur in South Australia (once again, the concept began when I was Minister of Health) in establishing domiciliary care units and extending domiciliary care. If we are to move into this field in any significant fashion we must be producing supportive staff to help the team under the control of the general practitioner. We are not doing enough at present in training sufficient paramedical staff to act as supportive and back-up services to the health teams. I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for their remarks. The Hon. Mr. Springett raised several questions, the first of which dealt with clause 6. His suggestion that appointments to the board should be staggered has some merit, and there is nothing in the Bill to prevent such a course. The clause gives the Government the right to stagger the period of office of board members. While I have a certain amount of sympathy for the suggestion, and although I do not give an undertaking that this will happen, I am willing to

look at the matter. The honourable member's main concern was that there should be some continuity on the board, but this could be ensured by reappointing some or any board members. If the members were doing their work properly, obviously they would be likely to be reappointed.

The honourable member also raised a query concerning clause 9, but the explanation of the Bill showed that we would be using as registrar for this board the registrar of another board. That is as far as the Bill goes. If any other registration board was to be set up, the matter would be further considered. As the Hon. Mr. Geddes pointed out by interjection yesterday, this is confined to this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Terms and conditions of office."

The Hon. R. C. DeGARIS: I thank the Minister for his reply, and I appreciate his position. The suggestion of the Hon. Mr. Springett is a valid one, and as the power is there to stagger the appointment of members of the board, I am sure the Minister will bear this in mind when members are being appointed. It is a valid point to ensure continuity on the board of experienced people.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—"Entitlement to registration."

The Hon. D. H. L. BANFIELD: As the Hon. Mr. Springett pointed out yesterday, there is a grammatical correction to be made.

The CHAIRMAN: That correction will be made.

Clause passed.

Remaining clauses (12 to 22) and title passed.

Bill reported without amendment. Committee's report adopted.

ADJOURNMENT

At 5.57 p.m. the Council adjourned until Thursday, October 3, at 2.15 p.m.